

TFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application

Inventor: Hideki Kanemoto et al. Group Art Unit: 2664  
Appln. No.: 09/744,811 Examiner: A. C. Lee  
Filed: January 30, 2001  
For: PACKET COMMUNICATION APPARATUS AND TRANSMIT POWER  
CONTROL METHOD

CERTIFICATION UNDER 37 CFR §1.97(e)(1)

Assistant Commissioner of Patents  
Washington, DC 20231

Dear Sir:

In fulfillment of 37 CFR 1.97(c)(1) and 1.97(e)(1), it is hereby certified that each item of information contained in the attached Information Disclosure Statement was first cited in any communication (see the attached copy of a Supplementary European Search Report dated August 24, 2005) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

James E. Ledbetter  
Registration No. 28,732

Date: October 19, 2005

JEL/ejw

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INFORMATION DISCLOSURE STATEMENT

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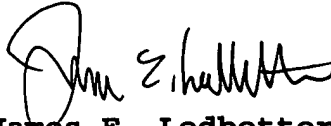
Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. WO '253 was cited in a Supplementary European Search Report dated August 24, 2005 (copy attached). WO '253 corresponds to EP '393.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and

appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



Date: October 19, 2005

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